

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Rafael Ruiz-Garcia, )

A079 154 541 )

*Defendant* )

Case No. )

17-6348MS

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 29, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Rafael Ruiz-Garcia, an alien, was found in the United States of America at or near Gila Bend, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States at or near Del Rio, Texas, on or about January 12, 2017, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.


This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: AUSA Jacqueline Schesnel for AUSA Margaret Perlmeter

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: October 2, 2017City and state: Phoenix, Arizona*Complainant's signature*Christopher M. Baugh  
U.S. Border Patrol Agent*Printed name and title**Judge's signature*David K. Duncan  
United States Magistrate Judge*Printed name and title*

### **STATEMENT OF PROBABLE CAUSE**

I, Christopher M. Baugh, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 29, 2017, Border Patrol Agent Daniel Halbleib encountered an individual near Gila Bend, in the District of Arizona. The agent identified himself as a Border Patrol agent and performed an immigration inspection on the individual. The individual, later identified as Rafael Ruiz-Garcia, admitted to being a citizen and national of a country other than the United States, unlawfully present in the United States. Ruiz-Garcia was transported to the Ajo Border Patrol Station for further processing. Ruiz-Garcia was held in administrative custody until his criminal and immigration history could be verified.
3. Immigration history checks revealed Rafael Ruiz-Garcia to be a citizen of Mexico and a previously deported criminal alien. Ruiz-Garcia was removed from the United States to Mexico through Del Rio, Texas, on or about January 12, 2017, pursuant to a removal order issued by an immigration official. There is no record of Rafael Ruiz-Garcia in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to

the United States after his removal. Ruiz-Garcia's immigration history was matched to him by electronic fingerprint comparison.


4. Criminal history checks revealed that Rafael Ruiz-Garcia was convicted of Deported Alien Found in the United States, a felony offense, on December 2, 2002, in the United States District Court, Southern District of California. Ruiz-Garcia was sentenced to a term of ten (10) months' imprisonment and one (1) year supervised release. Ruiz-Garcia's criminal history was matched to him by electronic fingerprint comparison.
5. On September 29, 2017, Rafael Ruiz-Garcia was advised of his constitutional rights. Ruiz-Garcia freely and willingly acknowledged his rights but did not agree to provide a statement.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 29, 2017, Rafael Ruiz-Garcia, an alien, was found in the United States of America at or near Gila Bend, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States at or near Del Rio, Texas, on or about January 12, 2017, and not having obtained the

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express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

  
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Christopher M. Baugh  
U.S. Border Patrol Agent

Sworn to and subscribed before me  
this 2<sup>nd</sup> day of October, 2017.

  
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David K. Duncan  
United States Magistrate Judge